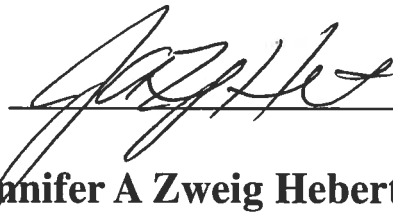


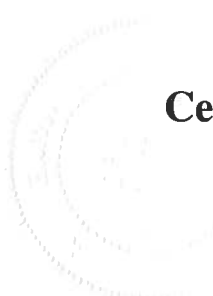
**By-Laws For The
Starks Planning Board**

Enacted 3/12/2021

Certified by:



Jennifer A Zweig Hebert, Town Clerk



**By-Laws of the
Starks Planning Board
Enacted by referendum March 12, 2021**

I. Establishment

The town of Starks established the Starks Planning Board on March 3, 1973. Revisions to its by-laws were enacted by majority vote of the governing body on March 8, 1986. Further revisions were adopted by referendum on March 12, 2021 pursuant to Maine statute 30-A M.R.S.A. 3001.

II. Appointments and Composition

A. Appointments to the Board shall be made by the municipal officers

B. The Board shall consist of 5 members and 2 alternates

C. The term of office for each member (including alternates) shall be 5 years. All members are eligible for reappointment.

D. When there is a permanent vacancy the municipal officers shall, within 45 days of its occurrence, appoint a person to serve for the remainder of the unexpired term. A permanent vacancy shall occur upon resignation or death of a member of the Board, or when a member ceases to be a resident of the municipality, or when a member (or alternate) incurs 4 unexcused absences in a calendar year.

III. Duties

A. The Board shall perform such duties and exercise such powers as are provided by municipal ordinances and State law.

B. The Board shall submit an annual report to the town apprising citizens of its activities including the adoption, amendment, or repeal of municipal plans, policies, and ordinances.

C. The Board shall further act in an advisory capacity to other offices of the municipality on matters of community growth and development.

D. Members of the Board should maintain familiarity with relevant municipal and State plans, policies, regulations, laws, ordinances and other procedures which affect the Board's activities.

E. The Board may obtain goods and services as necessary to its proper function within limits of appropriations.

IV. Organization

A. At each annual meeting the Board shall elect a chair, vice-chair and secretary from among its members and may create such other offices as it may determine.

B. Each officer shall serve a one year term and be eligible for re-election.

C. When there is a permanent vacancy among the officers, the Planning Board shall, within 45 days of its occurrence, elect another member to serve for the remainder of the unexpired term. Permanent vacancies shall be defined in Section II-D.

D. The responsibilities of the officers shall be as follows:

1. Chair

- a. to call the meeting to order
- b. to preside at all Board meetings and hearings
- c. to be the official spokesperson for the Board
- d. to see that all actions of the Board are properly taken
- e. to issue notice of all Board meetings and hearings as required herein

2. Vice-Chair

In the absence, disability or recusal of the Chair, the Vice-Chair shall perform all duties and be subject to all of the responsibilities of the Chair

3. Secretary

- a. to keep minutes of all Board meetings
- b. to maintain a permanent record of all official proceedings, decisions, and communications of the Board
- c. to promptly file all Board records
- d. to record all policies, rules, and regulations adopted by the Board

V. Meetings

A. Regular Board meetings shall be held monthly with notice permanently posted at the town office. Any changes to the meeting schedule will be publicized in accordance with the Board's Public Notice Policy.

B. The Chair may call additional meetings of the Board as required or when requested to do so by a majority of Board members or by the municipal officers. Notice of such meetings shall be publicized in accordance with the Board's Public Notice Policy.

C. In addition to those hearings required by law, the Board may hold such public hearings as it deems necessary in the public interest. Notice of special hearings shall be publicized in accordance with the Board's Public Notice Policy and as required by State statutes. The Board may provide by rule, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Chair for good cause.

D. All meetings shall be open to the public, and all records of meetings shall also be available to the public in accordance with State statute 1 M.R.S.A. Section 403 as revised.

VI. Voting

A. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum.

B. All actions shall be determined by a show of hands or voice vote.

C. In case of a tie vote, the motion will be deemed to have failed.

D. If a member has a conflict of interest, that member shall not be counted by the Board in establishing the quorum for the matter in which he or she has a conflict.

E. The Chair shall appoint an alternate member to act for a regular member who is; disqualified from voting, unable to attend, or absent from a substantial portion of the meeting due to late arrival. The alternate will act for the regular member until the issue is decided.

VII. Rules

A. The order of business at regular meetings shall be:

1. record attendance
2. determine that a quorum has been met
3. confirm that proper notice has been given
4. establish that no conflicts of interest or bias exist
5. review old business
6. conduct new business
7. provide opportunity for public comment
8. move to adjourn

B. Minutes shall be taken at all Board meetings to include:

1. time, date, and place of meeting
2. members present and voting
3. each item of business taken up by the Board, its substance, and
4. each official action taken and the roll call vote thereon

C. A quorum of the Board consisting of at least 3 members authorized to vote shall be necessary to conduct official meetings and business. No official action may be taken in the absence of a quorum except to adjourn a meeting to a subsequent date.

D. An alternate member may participate in all Board proceedings, but may vote only when designated by the Chair to sit for a regular member.

E. Each regular member of the Board shall be enlisted to cast one vote to be recorded by the Secretary. When any regular member is unable to vote because of absence, disability, or recusal, the Chair shall designate an alternate member to act in his/her stead.

F. No member shall vote on any matter in which he/she has a direct or indirect pecuniary interest, bias or conflict. Any question of whether a member shall be disqualified from voting on a particular issue shall be decided by a majority vote of the members present and voting, except by the member being challenged.

G. Executive sessions shall be prohibited except as authorized under 1 M.R.S.A. Section 405 as may be amended from time to time. Such sessions may be called only by vote of at least 3/5 of the members present and voting, and a motion to go into executive session shall indicate the nature of the business of the session, and no other matter shall be considered in that particular session. No ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action may be approved in executive session.

H. The Board shall maintain a written record of every decision involving the approval or denial of an application, license, certificate or any other type of permit, as required by law. In issuing such decisions the Board shall state the reason (s) therefor and shall make findings of fact, in writing, sufficient to apprise applicants and members of the public of the basis for such decisions.

VII. Reconsideration

The Board may reconsider any decision if:

1. The record contains significant factual errors due to fraud or mistakes regarding facts upon which the decision was based; or
2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

VIII. Amendments

These By-Laws may be amended by majority vote of the governing body.

Certification: We the Selectmen of the Town of Starks hereby verify to the Clerk that the foregoing document is an ordinance entitled "By-Laws of the Starks Planning Board," and further certify it to be the subject of a public referendum for its adoption, said referendum to take place on March 12, 2021

Joseph Hayden

[Signature]

Paul B. Frederic

Attest: A true copy of the ordinance entitled "By-Laws of the Starks Planning Board", as certified to me by the municipal officers of Starks on the 5th day of April, 2021.



Signature [Signature]

Town Clerk of Starks